

Please add the following dependant claim.

28. The article of manufacture according to claim 21, wherein the article of manufacture comprises a container holding a cell-containing medium according to claims 20.

REMARKS

Support for the amendment to claim 21 is found throughout the specification, for example, in the paragraph spanning pages 12 and 13. The specification teaches that "cells are collected into volumes of less than about 2 ml." This statement is unequivocal in its teaching that the volume is greater than zero. Support for new claim 28 is found throughout the specification, for example, in the Summary on pages 3 and 4.

Applicants amendment was not earlier presented because the Section 103 reaction of claims 21-23 is, in effect, a new ground of rejection. The previous rejection was based on the erroneous assumption that Weber anticipated and made obvious claim 20. These rejections have been withdrawn. The new rejection is based on the incorrect interpretation of claim 21 as encompassing an empty container. As such, this is a new ground of rejection. No new issues have been raised by the amendment or by the new claim that require further reconsideration or search. Thus, applicants respectfully request entry of the amendment and the new claim.

Response to Section 103 Rejection

Claims 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Weber WO 94/02645 in view of Wainwright U.S. 5,370,128. Applicants traverse the Examiner's rejection.

Original claims 21-23 do not encompass an empty container. However, in the interest of moving forward towards allowance of the claims, applications have reworded claim 21 to recite "a container holding the medium according to claim 20." Thus, there can be no

doubt that the claimed article comprises the medium according to claim 20. The claim also recites "and wherein the volume of the medium is less than 2 ml." Since the container holds the medium and it is less than 2 ml, there can be no doubt that claims 21-23 do not encompass an empty container.

AUTHORIZATION

No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2629-4005US1.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition and for an extension of time, the commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2629-4005US1. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: October 10, 2000

By: Darryl H. Steensma
Darryl H. Steensma
Registration No. 43,155

Mailing Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
(212) 758-4800
(212) 751-6849 Facsimile